IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 441 (S/S) of 2007

Alok Kumar Wiliam S/o Late J.S. Wiliam
R/o- Ward No. 5 Near Roadways Workshop,
Tanakpur ------- Petitioner

Versus

1. State of Uttarakhand through Secretary Transport, Dehradun
2. Managing Director Transport Corporation Uttarakhand, Dehradun
3. Regional Manager, Transport Corporation Uttarakhand, Tanakpur Region
4. Assistant Regional Manager, Transport Corporation Uttarakhand, Tanakpur Region ------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lalit Tiwari, learned counsel for the petitioner, Sri H.M. Raturi, learned counsel for the respondents no. 1 and Sri N.S. Pundir, learned counsel for the respondents nos. 2, 3 and 4.

Counsel for both the parties are agree for disposal of the petition at the admission state itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ or order in the nature of certiorari quashing the order dated 19.10.05 and 16.1.07 (Annexure No. 1,2) passed by respondent no. 3 and 2 respectively.
2. Issue a writ or order in the nature of mandamus commanding the respondents to reinstate the petitioner along with the entire benefit for which he is entitled.
3. Issue a writ or order in the nature of mandamus commanding the respondent no. 2 to consider the appeal of petitioner after condoning the delay in filing the same.

4. Pass such order which this Hon'ble Court deem just and proper in the circumstances of the present case

5. Award cost of petition.

Vide order dated 19.10.2005 passed by Regional Manager Transport Corporation Uttarakhand, Tanakpur Region, the petitioner was terminated from service after holding inquiry.

Aggrieved with this order, the petitioner has preferred appeal (under the Rules) before the Appellate Authority, i.e., Managing Director Transport Corporation Uttarakhand, Dehradun.

The appeal can be preferred within three months from the date of passing of order under challenge. The appeal was preferred after 3 months and 19 days. The Appellate Authority has power to condone the delay for three months. Since there was a short delay of 19 days, it would have been proper for Appellate Authority to condone the delay and to decide the appeal on merit.

Consequently, I direct the Appellate Authority, i.e., the Managing Director, Transport Corporation Uttarakhand, Dehradun to entertain the appeal of the petitioner and to decide the same on merit.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

27.04.2007
VKS